

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Thomas M Potter
Melissa A Potter**

Case No.: 16-34512
Judge: ABA
Chapter: 13

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

☒ Discharge Sought
☐ No Discharge Sought

Date: 2/15/17

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 465.00 Monthly to the Chapter 13 Trustee, starting on 1/23/17 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:



Future Earnings



Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☒ Sale of real property
Description: **Debtors will be placing the property in Philadelphia up for sale.**
Proposed date for completion: _____

☐ Refinance of real property
Description: _____
Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property
Description: **Debtors will work on a modification through the Court's LMP**
Proposed date for completion: 8/23/17

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Mitchell Lee Chambers, Esq. NJ 9223	Attorney Fees	3,150.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
BANK OF AMERICA	214 Emerson Street Woodbury, NJ 08096 Gloucester County	9,500.00	0.00	9,500.00	1,163.00

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated

as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

ALLY FINANCIAL
US Department of HUD

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
City of Philadelphia	2232 E. Clearfield Street Philadelphia, PA 19134 Philadelphia County	2,394.84
Philadelphia Water Department	2232 E. Clearfield Street Philadelphia, PA 19134 Philadelphia County	569.82

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$____ to be distributed *pro rata*

 x Not less than 100 percent

____ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
PHEAA	Student Loans to be paid outside bankruptcy	Student loans to be paid outside the Chapter 13 Plan	19,268.24

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☐ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date February 15, 2017 /s/ Mitchell Lee Chambers, Esq. NJ
Mitchell Lee Chambers, Esq. NJ 9223
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 15, 2017 /s/ Thomas M Potter
Thomas M Potter
Debtor

Date: February 15, 2017 /s/ Melissa A Potter
Melissa A Potter
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Thomas M Potter
 Melissa A Potter
 Debtors

Case No. 16-34512-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Feb 16, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 18, 2017.

db/jdb +Thomas M Potter, Melissa A Potter, 214 Emerson Street, Woodbury, NJ 08096-3226
 516568920 +ATT&T, P.O. BOX 537104, Atlanta, GA 30353-7104
 516568918 +Aes/goal Financial, Po Box 61047, Harrisburg, PA 17106-1047
 516568922 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bankamerica, Po Box 982238, El Paso, TX 79998)
 516568921 +BANK OF AMERICA, 450 AMERICAN STREET, Simi Valley, CA 93065-6285
 516588354 BANK OF AMERICA, N.A., KML Law Group PC, Sentry Office Plaza,
 216 Haddon Avenue, Suite 206, Westmont, NJ 08108
 516568923 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)
 516568924 City of Philadelphia, Law Department, One Parkway Building, 1515 Parkway Building,
 Philadelphia, PA 19102
 516592488 +GOAL FINANCIAL, PHEAA, PO BOX 8147, HARRISBURG, PA 17105-8147
 516568927 +LINEBARGER, GOGGAN, BLAIR, & SAMPSON, 4 PENN CENTER, 1600 JFK BLVD., STE. 910,
 Philadelphia, PA 19103-2818
 516568929 +NEW JERSEY EZ PASS, 375 McCARTER HWY., Newark, NJ 07114-2562
 516599803 +New Jersey Turnpike Authority, Mark Schneider, Esq., 581 Main Street, PO Box 5042,
 Woodbridge, NJ 07095-5042
 516568930 +PENN MEDICINE, P.O. BOX 824406, Philadelphia, PA 19182-4406
 516568931 Philadelphia Water Department, 29th & Cambria Sts., Philadelphia, PA 19132
 516568933 +State of New Jersey, Division of Taxation, Revenue Processing Center, P.O. Box 111,
 Trenton, NJ 08645-0111
 516577369 +U.S. Department of Housing and Urban Development, 451 7th Street S.W.,
 Washington, DC 20410-0002
 516568934 +Verizon, 500 Technology Dr, Weldon Spring, MO 63304-2225

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 16 2017 22:48:20 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 16 2017 22:48:18 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516568919 +E-mail/Text: ally@ebn.phinsolutions.com Feb 16 2017 22:47:41 ALLY FINANCIAL,
 200 RENAISSANCE CENTER, Detroit, MI 48243-1300
 516611204 E-mail/Text: ally@ebn.phinsolutions.com Feb 16 2017 22:47:41 Ally Capital, PO Box 130424,
 Roseville MN 55113-0004
 516598888 +E-mail/Text: bankruptcy@phila.gov Feb 16 2017 22:48:37
 CITY OF PHILADELPHIA LAW DEPARTMENT - TAX UNIT, BANKRUPTCY GROUP - MSB,
 1401 JOHN F. KENNEDY BLVD, 5TH FLOOR, PHILADELPHIA, PA 19102-1617
 516585531 E-mail/Text: mrdiscen@discover.com Feb 16 2017 22:47:43 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516568925 +E-mail/Text: mrdiscen@discover.com Feb 16 2017 22:47:43 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 516568926 +E-mail/Text: cio.bncmail@irs.gov Feb 16 2017 22:47:56 IRS, 600 Arch Street, Room 5200,
 Philadelphia, PA 19106-1611
 516568928 +E-mail/Text: bknotices@mbandw.com Feb 16 2017 22:48:35 MCCARTHY, BURGESS, AND WOLFF, INC.,
 26000 CANNON ROAD, Bedford, OH 44146-1807
 516568932 +E-mail/Text: bkrpt@retrievalmasters.com Feb 16 2017 22:48:18 RMCB, P.O. BOX 1235,
 Elmsford, NY 10523-0935

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

lm* +Bank of America, 450 American Street, Simi Valley, CA 93065-6285

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 27

Date Rcvd: Feb 16, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 18, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 15, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Mitchell L Chambers, Jr. on behalf of Joint Debtor Melissa A Potter ecfbccomcast.net
Mitchell L Chambers, Jr. on behalf of Debtor Thomas M Potter ecfbccomcast.net
U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5